IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISDICTION

PIL Writ Petition No.47 of 2006
with
Civil Application NO. 9 of 2007

Nandkishore G Joshi ..... Petitioner
vs
The Kalyan Dombivkli Mun
Corpn Dist Thane and ors .... Respondents

Mr G.K. Sovani for petitioner
Mr. Pradeep Patil AGP for respondent No.1
Mr A.S. Rao for respondent No.2
Mr. L.M. Acharya for respondent No.4

CORAM: SWATANTER KUMAR,C.J.,&
S.C.DHARMADHIKARI, J.

DATE: APRIL 4, 2007.

P.C.:-

We have heard the learned counsel for the parties.

1. In this petition under Article 226 of the Constitution of India, petitioner prays for issuance of a direction, writ or order for quashing and/or setting aside the meeting held on 14t February 2006, in which a Resolution No.139 came to be passed and the contract was warded to M/s Konark infrastructure for the Financial Year 2006-07. In addition to this relief, the petitioner has also prayed for other reliefs.

2. It is commonly conceded position before us that the financial year has already come to an end with effect from 31st March 2007. Thereafter fresh tenders were invited and successful tenderer has been awarded the work order. We are not concerned with the present petition with regard to the award of the contract for the financial year 2007-08.The petitioner is at liberty to take such steps as permissible in law, if he is aggrieved

3. However, the relief sought for before us is with regard to the financial loss caused to the Corporation resultant to the award of the contract for financial year 2006-07 and the Corporation in fact is not looking into the matter as to on whom responsibility should be fixed for loss. One submission is made in the Civil Application No. 9 of 2007 in this petition is that the Corporation has suffered loss to the tune of Rs.3,10,60,000/- and the responsibility should be fixed on the concerned officers of the Corporation, Standing Body and the Corporation itself.

4. In view of the facts and circumstances of the case we do not consider this case to be fit one where the court should issue a mandamus directing investigation in the matter by any investigating agency. However, in the larger interest we would

expect that the Municipal Commissioner of the Corporation shall look into the grievance of the petitioner as well as repeated awarding of the tender to respondent No.4 and take action in accordance with law. We however, make it clear that the Commissioner of the Corporation shall complete the process and submit a report to the Registrar General of this court on the administrative side within two months from today.

Writ petition is disposed of with the above observations, leaving the parties to bear their own costs.

CHIEF JUSTICE

S.C.DHARMADHIKARI,J.